

Message Text

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INFO OCT-01 ISO-00 /001 R

66011

DRAFTED BY EA:JRCUNNINGHAM

APPROVED BY EA:RHMILLER

S/S-O:LRMACFARLANE

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FM SECSTATE WASHDC

TO AMEMBASSY WELLINGTON IMMEDIATE

C O N F I D E N T I A L STATE 042838

NODIS

FOR HABIB ONLY

FOLLOWING REPEAT STATE 42838 ACTION SECRETARY 21 FEB 76

QUOTE

C O N F I D E N T I A L STATE 042838 TOSEC 04;18;1

NODIS

E.O. 11652: XGDS-3

TAGS: OVIP (KISSINGER, HENRY A.), PFOR, JA

SUBJECT: BRIEFING MEMORANDUM - JAPANESE CONCERN ABOUT
LOCKHEED DISCLOSURES

FOR THE SECRETARY FROM EA-RHMILLER, ACTING, THROUGH THE
ACTING SECRETARY.

REF: SECTO 04077

1. YOUR FEBRUARY 12 PRESS CONFERENCE REMARKS INDICATING
OPPOSITION TO THE EXPOSURE OF THE NAMES OF SENIOR FOREIGN
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OFFICIALS ALLEGEDLY INVOLVED WITH LOCKHEED WAS MISCONTRUED

BY THE JAPANESE PRESS AS EVIDENCE THAT THE USG WAS IN COLLUSION WITH THE GOJ TO PROTECT IMPLICATED LDP LEADERS. MIKI'S STATEMENTS TO THE PRESS WERE IN RESPONSE TO THESE ALLEGATIONS. HE CALLED FOR FULL DISCLOSURE OF NAMES OF HIGH JAPANESE GOVERNMENT OFFICIALS ALLEGEDLY INVOLVED IN LOCKHEED SCANDAL AND ADDED THAT ALTHOUGH HE UNDERSTANDS GOOD MOTIVES THAT PROMPTED SECSTATE TO INTERVENE WITH COURT IN ORDER TO MAINTAIN SECRECY DURING SEC INVESTIGATION AND FULLY REALIZES THAT SECSTATE HAD TO DEAL WITH PROBLEM IN MULTINATIONAL CONTEXT, HIS OWN POSITION WAS THAT IT WAS NECESSARY TO RELEASE NAMES AS SOON AS POSSIBLE. ALTHOUGH JAPANESE PRESS HAS TENDED TO READ THIS AS CRITICISM OF

U.S. ACTION, MIKI'S REMARKS WERE CAREFULLY WORDED AND SEEM TO US TO BE MUCH MORE WITHIN BOUNDS THAN EARLIER INTEMPERATE CRITICISM BY LESS AUTHORITATIVE SPOKESMAN ABOUT WHICH WE PROTESTED TO JAPANESE CHARGE HERE. (TOSEC 30078)

2. AS JAPANESE PRIME MINISTER AND ALSO PRESIDENT OF LIBERAL DEMOCRATIC PARTY, MIKI IS FACED WITH REAL DILEMMA. IN FIRST PLACE, NEITHER HE NOR ANYONE ELSE IN JAPAN HAS ANY REAL KNOWLEDGE OF HOW MANY SENIOR POLITICIANS MAY BE INVOLVED, WHO THEY ARE, OR WHETHER CASE CAN BE PROVED AGAINST THEM. THOUGH MIKI HIMSELF MAY BE CLEAN, HIS PARTY AND ITS POLICIES OF LONGTERM COOPERATION WITH U.S. RUN CONSIDERABLE RISK IF SCANDAL TOUCHES ANY OF PREVIOUS TOP LEADERSHIP AND HE WOULD LIKE TO LIMIT DAMAGE AS MUCH AS POSSIBLE. AT SAME TIME, IN FACE OF UNITED OPPOSITION "OUT FOR BLOOD" AS WELL AS SIZEABLE GROUP OF YOUNGER MEMBERS OF HIS OWN PARTY WHO ARE DEMANDING THAT GUILTY INDIVIDUALS BE IDENTIFIED AND PUNISHED, HE SIMPLY CANNOT BE IN A POSITION OF NOT PRESSING US FOR DISCLOSURE OF NAMES. IT WAS TO THIS END HE SENT TOGO TO SEE INGERSOLL FEBRUARY 18 (STATE 40624 WHICH BEING RPTD TO YOU) TO MAKE FORMAL REQUEST FOR "ALL INFORMATION RELATING TO LOCKHEED AFFAIR, INCLUDING NAMES."

3. IT IS OUR POLICY TO MAKE EVERY EFFORT TO RESPOND TO THIS GOJ REQUEST AND TO AVOID BEING PLACED IN THE MIDDLE AS A "FILTER". AT THE SAME TIME WE WISH TO MINIMIZE CONFIDENTIAL

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DAMAGE TO LDP. DURING TOGO'S MEETING WITH INGERSOLL, MONROE LEIGH SAT IN TO EXPLAIN SOME OF LEGAL CONSIDERATIONS. LEIGH EXPLAINED THAT STATE DEPARTMENT WAS NOT IN POSSESSION OF ANY OF INFORMATION, BUT THAT IT ALREADY HAD APPROACHED BOTH CHURCH SUBCOMMITTEE AND SEC TO INFORM THEM OF JAPANESE REQUEST FOR INFORMATION AND WOULD CONTINUE TO PURSUE THIS. OUR SUGGESTION OF INTEREST FILED WITH THE COURT HAD NOT RPT NOT BEEN DESIGNED TO

PREVENT DISCLOSURE OF NAMES OR OTHER EVIDENCE, BUT TO PREVENT PREMATURE DISCLOSURE OF UNEVALUATED AND UNSUBSTANTIATED MATERIAL UNDER INVESTIGATION. IF SEC WERE TO ATTEMPT TO PASS EVIDENCE TO JAPANESE IT COULD BE POSSIBLE FOR LOCKHEED ATTORNEYS TO OBTAIN A RESTRAINING ORDER, SINCE EVIDENCE WITH SEC IS FOR PURPOSES OF INVESTIGATION ONLY. HE THEN EXPLAINED THE LEGAL OPTIONS OPEN TO THE GOJ TO OBTAIN INFORMATION FROM U.S. SOURCES. SINCE THIS CONVERSATION TOOK PLACE WE HAVE NOTED THAT FOMIN MIYAZAWA HAS MADE STATEMENT ADMITTING THAT THERE MIGHT BE LEGAL PROBLEMS INVOLVED IN OBTAINING IMMEDIATE RELEASE OF NAMES INDICATING THAT OUR MESSAGE HAS GOTTEN THROUGH AND THAT GOJ MAY BE READY TO SHIFT THE PROBLEM FROM THE POLITICAL TO THE LEGAL STAGE.

4. FEBRUARY 20 WE MET WITH JUSTICE AND SEC REPRESENTATIVES TO ATTEMPT TO WORK OUT ORDERLY AND PROPER PROCEDURES FOR HANDLING PASSAGE OF INFORMATION TO JAPANESE. WE BELIEVE THAT IT MAY BE POSSIBLE TO ARRANGE FOR DEPARTMENT OF JUSTICE TO MAKE AVAILABLE EVIDENCE TO JAPANESE MINISTRY OF JUSTICE TO AID THEM IN THEIR OWN INVESTIGATION UNDER SOME GUARANTEE OF CONFIDENTIALITY IN ORDER TO PREVENT HARMFUL BROADCASTING OF UNPROVEN ALLEGATIONS. WE HOPE TO RAISE THIS WITH JAPANESE EARLY NEXT WEEK. IF THEY AGREE, MATTER WILL AT LEAST TEMPORARILY BE TAKEN OUT OF POLITICAL SPOTLIGHT AND PUT IN HANDS OF INVESTIGATIVE AUTHORITIES WHERE IT BELONGS. ONCE JAPANESE GOVERNMENT HAS SOME IDEA OF NATURE OF EVIDENCE IN OUR POSSESSION, IT MAY BE ABLE TO STOP RUNNING SO SCARED AND BEGIN TO ORGANIZE ITSELF TO MEET THE CHALLENGE.

5. EVEN UNDER BEST OF CIRCUMSTANCES, GOJ AND ITS CONSERVATIVE LEADERSHIP ARE IN REAL CRISIS SERIOUSNESS OF CONFIDENTIAL

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WHICH CANNOT BE MINIMIZED. IF SCANDAL BRINGS DOWN CABINET AND PRECIPITATES ELECTIONS NOW, CONSERVATIVE LOSSES COULD BE DEVASTATING, AND SUCCESSOR GOVERNMENT UNPREDICTABLE. NOT KNOWING WHETHER OR WHERE AXE WILL FALL ALL OF CURRENT LEADERS ARE OUTDOING EACH OTHER IN ATTEMPTING TO DEVELOP CREDIBLE DEFENSES AND PROTECT THEIR OWN POSITIONS.

6. WE THUS DO NOT BELIEVE THAT FURTHER DEMARCH TO THE GOJ ABOUT MIKI'S REMARKS IS NECESSARY. HABIB MADE UNMISTAKABLY CLEAR TO NISHIDA THAT WE WOULD NOT BE ITS

"PUNCHING BAG" OR ALLOW OURSELVES TO BE CAUGHT IN THE MIDDLE. THIS MESSAGE HAS GOTTEN THROUGH AS EVIDENCED BY SUBSEQUENT CONVERSATIONS BOTH HERE AND IN TOKYO AND BY

MORE RESPONSIBLE GOJ PUBLIC STATEMENTS. WE WOULD PREFER
INSTEAD TO MOVE FORWARD WITH OUR PLAN TO SCALE DOWN THE
TENSION AND MOVE THE ISSUE TO THE MORE TECHNICAL LEGAL
LEVEL. HOPEFULLY, THIS ACTION WILL ALSO SERVE JAPANESE
PURPOSES AND PROVE VERY ACCEPTABLE TO THEM.

7. AS A MATTER OF FACT, WE HAVE CONTINUED TO PROVIDE
JAPANESE WITH ASSISTANCE IN OBTAINING MATERIAL FROM CHURCH
SUBCOMMITTEE, WITH ARRANGING APPOINTMENTS FOR THE MANY
EMISSARIES THEY HAVE SENT, AND WITH CONSTANT HELPFUL
LIAISON SERVICES. THEY ARE FULLY AWARE THAT IT IS BOTH
OUR PUBLIC AND PRIVATE POLICY TO COOPERATE TO THE FULLEST
EXTENT AND THAT WE WILL NOT BE PLACED IN THE MIDDLE OR
AGREE TO CENSOR OR SCREEN INFORMATION WE PROVIDE THEM. MAW
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PUBLIC DISCLOSURE, AEROSPACE INDUSTRY, BRIBERY, PRESS COMMENTS, TOSEC, POLITICAL LEADERS, CAT-B, CLASSIFIED INFORMATION
Control Number: n/a
Copy: SINGLE
Draft Date: 22 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE042838
Document Source: CORE
Document Unique ID: 00
Drafter: JRCUNNINGHAM
Enclosure: n/a
Executive Order: X3
Errors: N/A
Film Number: P840099-1146
From: STATE SS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760226/aaaaawhq.tel
Line Count: 185
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN NODS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: NODIS
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: NODIS
Reference: 76 SECTO 4077
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 27 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27 MAY 2004 by SmithRJ>; APPROVED <24 SEP 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: BRIEFING MEMORANDUM - JAPANESE CONCERN ABOUT LOCKHEED DISCLOSURES
TAGS: OVIP, PFOR, JA, US, LOCKHEED, (KISSINGER, HENRY A)
To: SECRETARY
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006